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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,513	05/31/2006	Gerard Queveau	20233-003US1 RVL/BR 61533	3445
26221 7590 08/13/2007 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BLACK, MELISSA ANN	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 08/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,513	Applicant(s) QUEVEAU ET AL.	
	Examiner Melissa A. Black	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 15, line 8 "third runner 48" should be - -third runner 46- -; also the specification is missing heading for each section in the Specification, examples, Summary, Brief Description of Drawing, Detailed Description, etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 4 and 7 the examiner does not understand the word "beard".

Examiner is interpreting it as if the applicant meant the past tense of bear definition to carry or to support.

Re Claim 9, it is unclear if the applicant is claim the vehicle or the roof due to the double comprising in the preamble of the claim.

Words such as "it" and "their" are found throughout the claims and make it unclear and indefinite as to what part is being claimed for the action.

Claim Objections

4. Claim 4 is objected to because of the following informalities: Line 3 "gooves" should be - -grooves- -. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2730958 to Metroz et al. in view of US Pat # 4,877,285 to Huyer, or FR2730958 to Metroz alone.

Re Claims 1 and 9, Metroz et al discloses a retractable roof system for a motor vehicle including a vehicle structure, and having a front end and a rear end, the retractable roof system comprising at least a front roof panel (10) and a rear roof panel (20) being which are movable in

Art Unit: 3612

relation to each other along a longitudinal direction (Figures 7-9) of the vehicle between: a flush position (Figure 2) in which the roof panels are placed substantially at the same level as each other, the front roof panel thus being located in front of the rear roof panel, along said longitudinal direction; and an off-set position in an upward direction in which the roof panels are placed at least partially one above the other (Figure 4, 7-9); one of the front and rear roof panels bearing a group of front levers (13, 25) and a group of articulated rear levers (17, 11) so as to tip over between a low flush positions and a high, off-set position; wherein, said rear group of levers are pivotally mounted in relation to said roof panel which bears them; at least one of said front and rear roof panels comprises driving means (80) for driving the lever groups and one of said roof the panels, together: either from the front towards the rear, along a distance ensuring said roof panel to move from its flush position to its off-set position in an upward direction; or visa versa; and the lever groups engage, under the control of the driving means guides (73) extending essentially substantially parallel to said longitudinal direction, said guides being adapted for: during the controlled displacement of the lever group, guiding the tipping over movement from the flush position to the off-set position thereof; and visa versa.

Metroz et al fails to disclose the front group of levers is pivotally mounted in relation to said roof panel, which bears them, but does teach the use of pivotal rear levers (17,11), therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the rear pivotal levers as the front pivotal levers for it is a mere duplication of parts.

Furthermore, Huyer teaches the use of pivotally mounted front levers (27).

Art Unit: 3612

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the front pivoting levers as taught by Huyer on the device of Metroz in order to provide greater pivotal movement of the roof panels front.

Re Claims 2 and 10, Metroz discloses the rear lever groups individually comprise a curved lever (17, 11) comprising a first arm rotationally articulated on the corresponding roof panel (10, 20) and fixedly attached via an elbow to a second arm, which engages one of said guides (73) in order to guidingly drive it. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the rear levers on the front levers in order to provide the greater pivotal movement in the front of the panel.

Re Claims 3 and 11, Metroz discloses the retractable roof system wherein the guides comprise runners provided with first grooves (12, 71, 73, 72, Figure 3) in which the lever groups slide, the runners locally having deflected slips (12b, 71, 72) extending obliquely in relation to the horizontal and in relation to said longitudinal direction, along a length adapted to receive, individually, a part of said lever groups (See Figure 3), so that once engaged in these deflected slips, the lever groups move, by pivoting, from one of their high or low positions towards the other position (Transition from Figure 3 to Figure 4).

Allowable Subject Matter

7. Claims 4-8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also must overcome the 35 U.S.C. 112 second paragraph rejection.

Conclusion

Art Unit: 3612

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa A. Black whose telephone number is (571) 272-4737.

The examiner can normally be reached on M-F 7:00-3:30 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/2/07

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